

MINUTES OF THE MEETING  
OF THE  
CITY PLAN COMMISSION

TUESDAY, December 16, 2014

The City Plan Commission held its regular meeting on Tuesday, December 16, 2014 in the Council Chambers on the 26<sup>th</sup> Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Mr. Jeff Krum	Vice Chair
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Rev. Stan Archie	Member
Ms. Bobbi Baker-Hughes	Member
Ms. Trish Martin	Member
Mr. Tim Van Zandt	Member

ABSENT

None

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Ms. Ashley Winchell	Staff
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Mr. Joseph Rexwinkle	Staff
Mr. Brad Wolf	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Gnani Mahalingam	Public Works
Mr. Brett Cox	Land Development

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Chairwoman Macy called the meeting to order at 9:05 A.M.

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**RE:** **SD 1334F, Final Plat – Highlands of Northview, Sixth Plat**

**APPLICANT:** Jim Owens  
Highlands of Northview Development, LLC  
P. O. Box 901471  
Kansas City, MO 64190

**AGENT:** Shannon Buster, P.E.  
Lutjen, Inc.  
1301 Burlington Street, #100  
N. Kansas City, MO 64116

**LOCATION:** Generally located at NE 91<sup>st</sup> Street and N Mersington Avenue

**AREA:** Approximately 12.05 acres

**REQUESTS:** To consider approval of a final plat in District R-7.5 (Residential – 7.5), creating 40 residential lots and one (1) tract.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Ms. Shannon Buster, Lutjen, Inc.; 1301 Burlington, North Kansas City, Missouri, had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **APPROVE SD 1334F SUBJECT TO THE FOLLOWING CONDITIONS:**

*Conditions 1. through 5. per City Planning & Development, Development Management Division (Ashley Winchell, [ashley.winchell@kcmo.org](mailto:ashley.winchell@kcmo.org))*

1. That the plat be revised to show:
  - a. Where NE 91st Terrace becomes Norton on plat as shown on street name plan.
  - b. Show any private open space, medians areas, storm water detention, stream buffer zones, public BMP's, islands, or monumentation Tracts labeled A, B, C, etc., along with their intended purpose.
2. That the developer submit a street tree planting plan to the Development Management Division as required by the CUP prior to Mylar Approval. The developer shall also secure the approval of the City Forester for street trees to be planted in the right of way in front of residential lots prior to Mylar approval of this final plat.
3. That the developer submit an affidavit stating that all of the Street Trees have been installed as previously agreed upon within Essex North and as approved by the Street

Tree Planting Plan for Highlands of Northview Developments that have been issued a certificate of occupancy, prior to Mylar approval.

4. That the developer submit a final plan for Tract 4/Detention Plat showing the alignment of the trail as required by the CUP and that the trail be constructed prior to Mylar approval of this final plat.
5. That the developer submits a final plan for the landscape buffer strip tracts as required by the CUP prior to Mylar approval of this final plat.

***Conditions 6. through 14. per City Planning & Development, Land Development Division  
(Brett Cox, [Brett.Cox@kcmo.org](mailto:Brett.Cox@kcmo.org))***

6. The developer must submit a Micro "detailed" storm drainage study, including a BMP level of service analysis, to be submitted for each phase at the time of final platting, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat.
7. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
8. The developer must obtain the executed and recorded grading consents and all city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
9. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
10. That the developer extend sanitary sewer mains as required by the Land Development Division.
11. The developer must construct temporary off-site cul-de-sacs as required by the Land Development Division.
12. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
13. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
14. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and for fencing material and heights of fencing along N.E. 92nd Street, as approved by the Land Development staff, and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

***Conditions 15. through 19. per Kansas City, Mo Fire Department (John Hastings, [john.hastings@kcmo.org](mailto:john.hastings@kcmo.org))***

15. Fire Department access roads shall be provided prior to start of all construction/demolition projects. (IFC2000: § 1401.1; NFPA 241-1996: § 5-4.3)
16. Required fire department access roads are constructed of an all-weather surface. (IFC2000:§ 503.2.3) Required fire department access roads are designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC2000:§503.2.3)
17. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC2000:§508.5.1)
18. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC2000:§1412.4; NFPA 241§ 8.7.2)
19. Shall meet the minimum fire hydrant requirements of KCMO Water Services applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.

**Condition 20. per Water Services Department (Heather Massey, [Heather.Massey@kcmo.org](mailto:Heather.Massey@kcmo.org))**

20. That the developer provide water and sewer main easements, as required by the Water Services Department.

**Condition 21. per Parks Department (Richard Allen, [richard.allen@kcmo.org](mailto:richard.allen@kcmo.org))**

21. If it is determined that parkland dedication has not been met through the previous plats, the developer shall pay money in lieu of dedication of parkland in the amount of \$14,932.21 or dedicate .89 acres of park land. Do not add stream setback acreage with private open space for parkland purpose.

Motion carried 8-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy
VOTING NAY:	None
ABSENT:	None

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**RE:** Case No. 250-S-123

**APPLICANT:** Kansas City Historic Preservation Commission

**OWNER(S):** Independence Boulevard Christian Church  
606 Gladstone Blvd  
Kansas City, MO 64124

**LOCATION:** 606 Gladstone Boulevard

**AREA:** 1.0 Acre

**REQUESTS:** To consider the Kansas City Register nomination (H/O Overlay) for the “Independence Boulevard Christian Church” located at 606 Gladstone Boulevard as required by Chapter 88-580-01-B of the Administrative Code of the City of Kansas City, Missouri.

Mr. Brad Wolf, Staff Planner, Historic Preservation presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy asked to hear from applicant.

Ms. Susan Ford representing Independence Boulevard Christian Church; agreed with Mr. Wolf’s presentation and would answer any questions that the Commission had.

Commissioner Krum asked about the motivating force behind the proposed listing.

Ms. Ford stated it was the culmination of several years of discussion among the members of the congregation and they were incredibly proud of their building; they wanted to make sure it was protected into the future. The congregation was small but it did have the funds to keep the building maintained indefinitely and they wanted their church to be recognized as the beautiful architectural example as it was.

Commissioner Krum asked if there were any plans to do any massive restoration work.

Ms. Ford responded that the building had been very well maintained over the years; right now there was not a plan in place to do restoration, but listing it on the National Register would give the tax benefits if they decided to pursue that.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 250-S-123.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

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**RE:** Case No. 175-S-31

**APPLICANT:** Chris Wolfe  
Cerner Property Development, Inc.

2800 Rock Creek Pkwy  
North Kansas City, MO 64117

**LOCATION:** Hillcrest Road from E 87<sup>th</sup> Street to the north Bannister Road to the south

**REQUEST:** to amend the Major Street Plan by deleting a portion of Hillcrest Road from E 87th Street to Bannister Road, allowing for the vacation and privatization of that section of the street

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval subject to the condition and reasons presented in the staff report.

Chairwoman Macy asked to hear from applicant; they had no comments.

Chairwoman Macy opened up the discussion to the audience.

No one appeared in opposition

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 175-S-31 SUBJECT TO THE FOLLOWING ONE CONDITION:**

1. Hillcrest Road is vacated from E 87<sup>th</sup> Street to E 93<sup>rd</sup> Street.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

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**RE:** a) **Case No. 9132-SU-11**  
b) **Case No. 12429-SU-1**

**APPLICANT/ AGENT:** Donald G. Miller  
DGM & Associates, P.C.  
1307 S. Prospect Street  
Kearney, MO 64060

**PROPERTY OWNER:** New Mark Care Properties, Inc.  
11221 N. Nashua Drive  
Kansas City, MO 64155

**LOCATION:** Generally located at the northeast and northwest corners of N. Nashua Drive and N. McGee Street.

**AREA:** a) 6.3 acres

b) 0.60 acres

**REQUESTS:**

- a) **Case No. 9132-SU-11 – 11221 N. Nashua Drive** - To consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for 24,000 square foot building addition to the existing skilled nursing facility, plus any necessary variances.
- b) **Case No. 12429-SU-1 – 11121 N. Nashua Drive** - To consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for off-site parking lot to serve the existing skilled nursing facility, plus any necessary variances.

**Quorum: Baker-Hughes, Gutierrez, Martin, May, Van Zandt and Macy**

Commissioner Archie and Commissioner Krum recused.

Ms. Diane Binckley stated the applicant requested a continuance to the January 20, 2015 meeting date without fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Commissioner May moved and Commissioner Gutierrez seconded the motion to **CONTINUE** this matter to the January 20, 2015 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 6-0.

VOTING AYE: Baker-Hughes, Gutierrez, Martin, May, Van Zandt and Macy  
VOTING NAY: None  
RECUSED: Archie, Krum  
ABSENT: None

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**RE: Case No. 14462-MPD-1**

**APPLICANT:** F & C Berkley Park KC, LLC  
8900 Keystone Crossing, Suite 1200  
Indianapolis, IN 46240

**OWNER:** Port Authority of Kansas City  
300 Wyandotte Street, Suite 100  
Kansas City, MO 64105

**AGENT:** Sean Murphy  
Landform

105 South Fifth Avenue  
Minneapolis, MN 55407

**LOCATION:** Generally located on the east side of the intersection of Front Street (Berkley Parkway) and E. Riverfront Drive.

**AREA:** Approximately 6.25 acres

**REQUESTS:** **Case No. 14462-MPD-1 – Union At Berkley Park** – To consider a request for approval of an MPD final plan within the Berkley River Front Development Master Planned District, on approximately 6.25 acres, to allow for mixed use development (410 residential and 13,000 square foot retail/ office) within two (2) buildings on one (1) lot.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Krum asked about the modifications to the two recommendations #14 and #18; they should read “that prior to recording the plat or the issuance of CLO”; he was surprised that a CLO could in any way be granted prior to the recording of the plat. Wasn’t recording the plat one of the first steps in developing the property?

Ms. Binkley stated they were just changing #14 (inaudible); and turned to Brett Cox for #18; just prior to the CLO which they couldn’t get until they filed the plat.

Chairwoman Macy asked to hear from the applicant.

Darren (last name inaudible), excited to be there and would answer any questions; a couple of things that was in the original presentation; he explained the 3D rendering they brought about it being a unique piece of property. It was a joint effort between the Port Authority of Kansas City and his client, Flaherty & Collins and they would be working together to address all of those items.

Mr. David Stahl, lead architect on the project; they wanted to make sure the building not only looked good at the time it was complete but for years to come; durability was key. There was a Master Plan regarding the Berkeley River Front Development so they wanted to maintain that; for instance they followed the streets to hold that street edge so future developments; he had power points he was referring to as “focal point” for future development, etc. The parking ramps were there and the entry was clearly noted, and it wouldn’t be seen “parking”. He displayed a sample board of the materials that would be used on the building. There would be an anchor restaurant, there would be sidewalk patio seating, but the idea was to really get the area activated by having a rooftop deck; it had two courtyards; one that had a lot of activity the other that would be tranquil.

Commissioner Krum asked if this would be a stick or concrete structure.



Mr. Stahl responded it would be wood construction; with the exception of the retail areas and ramps, parking as well.

Commissioner Krum asked how much commercial and retail?

Mr. Stahl answered 13,000 sq. ft. of 481,000 sq. ft.

Commissioner Krum stated there were not a lot of amenities in the area; he was curious about the marketability of the project given that fact; he was sure they addressed that issue or would address that in future phases. Were there any plans of doing anything to improve the access to or the appearance of the river front itself? Was that something the Port Authority would be working on?

Mr. Stahl stated that would be outside this application before them today; they were basically the perimeter road.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Krum seconded the motion to **APPROVE Case No. 14462-MPD-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff showing:
  - a) A list of prohibited uses on face of the plan.
  - b) Trash enclosure treatment to be revised to blend with the building. Provide materials and color for trash enclosure gates.
  - c) Revised landscaping plan to ensure that the proposed trees within the courtyards are appropriately sized.
  - d) Provide an access easement for Riverfront Road to allow public access.
  - e) Show and label more clearly on the MPD plan proposed public and/or private sanitary and storm sewers, combined sewer (upon verification by Water Services Department) water mains, gas mains greater than 6 inches, culverts, and other major above or below ground distribution or transmission lines within the proposed project or immediately adjacent thereto as necessary to address adequacy of existing utilities serving the site along with any proposed extension, relocations or abandonments.
2. That the developer submit an overall signage plan for the Berkley Park MPD prior to issuance of any Sign Permit. Overall signage plan shall meet the requirement of Chapter 88-445 in its entirety and be approved by the Director of City Planning and Development prior to issuance of sign permit.

***Conditions 3 - 20 per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***

3. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations prior to issuance of certificate of occupancy.
4. The developer must submit a detailed Macro/Micro storm drainage study to Development Services, in general compliance with adopted standards, including a BMP level of service analysis, the outflow must not exceed the existing system capacity (the existing system was designed for two year storm) and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
5. The developer must integrate into the existing street light system any relocated existing street lights within the street right-of-way impacted by the new drive or approach entrances as required by the Land Development Division, and the relocated lights must comply with all adopted lighting standards.
6. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
7. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
8. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division for the amended use of the property prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
9. Provide a covenant to maintain for the private stormwater management in the public ROW and for the detention tracts.
10. The developer must secure permits to extend sanitary and storm water conveyance systems to serve the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
11. The owner/developer must grant on City approved forms, surface drainage easement, BMP Easement to the City, as required by Chapter 88 and Land Development Division, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
12. The developer dedicate right of way for Berkley Plaza per the sections shown on the development Plan, and ensure right of way dedication is adequate for any proposed road improvements as required by Land Development Division adjacent to this project.
13. The developer dedicate additional right of way for (Front Street / Grand Blvd) as required by the adopted Major Street Plan, so as to provide a minimum of 50 feet of right of way as measured from the centerline, and ensure right of way dedication is adequate for any proposed road improvements as required by Land Development Division adjacent to this project.

14. That all streets are constructed per the proposed sections in this MPD including curbs, gutters, sidewalks, street lights prior to issuance of a Certificate of Occupancy.
15. The developer grant a Noise and Aviation Easement to the City as required by the Land Development Division, prior to recording the plat.
16. The developer obtain the executed and recorded grading consents and all city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
17. The developer subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
18. The developer show the limits of the 100-year floodplain on the plans and the final plat, as required by the Land Development Division.
19. The developer show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.

***Conditions 21 - 23 per Public Works (Wei Sun, [wei.sun@kcmo.org](mailto:wei.sun@kcmo.org))***

20. The developer shall work with MoDOT and the City of Kansas City to convey a portion of Grand Blvd. to the city of Kansas City so that the intersection of Grand Blvd and Lydia Ave. is completely within city jurisdiction.
21. That prior to each phase after Phase 1, the developer shall submit a traffic study update to the Public Works Department for review and approval using specific detailed land uses, and developer shall construct any improvements as required by Public Works Department based on the approved updated traffic impact study for each phase.
22. That prior to ordinance the developer shall update the traffic study as required by Public Works Department so as to establish an overall trip budget for the full build-out of the development.

***Conditions 24 per Aviation (Jade Liska, [jade.liska@kcmo.org](mailto:jade.liska@kcmo.org))***

23. The development is within the area where the Charles B Wheeler Downtown Airport height zoning restrictions apply. No structure in this area should be constructed which exceeds these restrictions.

***Conditions 25 - 26 per Water Service (Heather Massey, [heather.massey@kcmo.org](mailto:heather.massey@kcmo.org))***

24. Extend water mains as required by Water Services Department.
25. Provide water and sewer easements as required by Water Services Department.

***Conditions 27 per Parks & Recreation (Richard Allen, [richard.allen@kcmo.org](mailto:richard.allen@kcmo.org))***

26. The developer shall either dedicate 4.92 acres of parkland or contribute \$82,732.26 in lieu of parkland dedication for the 410 multi-family units in satisfaction of Chapter 88-405-17 of the Zoning and Development Code.

***Conditions 28 - 32 per Fire Department (John Hastings, [john.hastings@kcmo.org](mailto:john.hastings@kcmo.org))***

27. The expectation is the project will meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2000. (IFC2000: § 508.1)
28. Fire hydrant(s) are required within 400 feet on a fire access road following an approved route established by the Authority Having Jurisdiction (AHJ) of any exterior portion of a building. The use of existing fire hydrant(s) may be used to satisfy this requirement otherwise a private fire hydrant(s) or hydrant system may be required. This distance may be increased to 600 feet for R-3 occupancy(s) or the building(s) is fully protected by an approved automatic fire sprinkler system(s). (IFC2000:§508.5.1)
29. Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC2000:§1412.4; NFPA 241§ 8.7.2)
30. Shall meet the minimum fire hydrant requirements of KCMO Water Services applicable to a water main extension which is every 300 feet commercial or 600 feet residentially zoned area.
31. Recommendation only at this time: Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2012: § 507.5.1.1)

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 10823-SU-4

**APPLICANT:** Paul Hughes  
5040 Indian Creek Parkway  
Overland Park, KS 66207

**OWNER:** First Church of the Nazarene of Kansas City  
11811 State Line Road  
Kansas City, MO 64114

**AGENT:** Bob Quick  
Royal Engineering  
10212 E. 85<sup>th</sup> Terrace

Raytown, MO 64138

- LOCATION:** **11811 E. State Line Road** - Generally located at the northeast corner of W. Minor Drive and State Line Road.
- AREA:** Approximately 13 acres.
- ZONING:** Districts R-1.5 and R-7.5 (Residential dash 1.5 & 7.5).
- REQUESTS:** To consider approval of a special use permit in Districts R-1.5 and R-7.5 (Residential dash 1.5 & 7.5) to allow for an amendment to the existing church plan to delete Lot 9, Verona Hills subdivision from the church plan.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Ms. Gloria Bible, 3873 South Gallery Street; agreed with the staff report and its conditions.

Mr. Steve Lemke, president and on the Board of Directors of the Home's Association; had a question about the storm water drain off due to a general slope from the Church properties from west to east.

Chairwoman Macy opened up discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 10823-SU-4 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to issuance of building permit showing:
  - a. Correct title to read "Special Use Permit".
  - b. Remove the easement from the relocated private storm sewer on Lot 1.
  - c. Show proposed Water Quality BMPs for the site.
  - d. Written information shall be provided in the following order on the site plan and in tabular form for each phase and in total. The site plan shall identify buildings, phases of development, and other graphic information by numbers or letters to allow easy reference to the following information:
    - i. Existing zoning of property.
    - ii. Total land area in square feet or acre.

- iii. Proposed use or uses of each building and structure.
- iv. Height above grade of buildings and structures and number of floors of each building.
- v. Gross floor area per floor and total for each building.
- vi. Ratio of required number of parking spaces for each use and amount of required, proposed parking spaces.

***Conditions 2. - 5. per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***

- 2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Minor Subdivision and submitting and recording a Lot Split Plat or replatting the property in accordance therewith.
- 3. The developer must construct a sidewalk along the north side of Madison Avenue, along the frontage of proposed Lot 9 at the time a building permit is issued on that lot.
- 4. The developer must construct sidewalks along the west side of Madison Avenue and north side of W. Minor Drive, adjacent to Lot 1 prior to any future development plan or building permit is issued on that lot.
- 5. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 10633-P-15

**APPLICANT/ OWNER:** Bannister Realty Company, Inc.  
7401 W. 135<sup>th</sup> Street  
Overland Park, KS 66223

**AGENT:** James C. Bowers, Jr. Esq.  
c/o of Elaine Bowers  
White Goss, a Professional Corporation  
4510 Belleview Avenue, Suite 300  
Kansas City, MO 64111

**LOCATION:** Generally located at the northeast corner of N. Green Hills Road and NW Tiffany Springs Road.

**AREA:** 246 acres

**REQUESTS:** To consider a request to amend a previously approved Chapter 80 Preliminary on approximately 246 acres in Districts R-2.5 and R-6, to allow for modification of Phase IV of the current approved plan.

Ms. Diane Binckley stated the applicant requested a continuance to the January 20, 2015 meeting date with one \$130.00 fee.

Chairwoman Macy opened up discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **CONTINUE Case No. 10633-P-15** to the January 20, 2015 meeting date one \$130.00 fee (Without Testimony – No Set Quorum).

Motion carried 8-0

**VOTING AYE:** Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy  
**VOTING NAY:** None  
**ABSENT:** None

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**RE:** a) **Case No. 685-S-5**  
b) **Case 14528-MPD**  
c) **SD 1458B – Final Plat, Horace Mann Village, Replat of Tract A**

**APPLICANT:** Margaret J. May  
Ivanhoe Neighborhood Council  
3700 Woodland Avenue  
Kansas City, MO 64109

**OWNER:** Ivanhome  
3700 Woodland Avenue  
Kansas City, MO 64109

**AGENT:** Lamin Nyang  
Taliaferro & Browne  
1020 E. 8<sup>th</sup> Street  
Kansas City, MO 64109

- LOCATION:** Generally bordered by E. 38<sup>th</sup> Street on the north, E. 39<sup>th</sup> Street on the south, Garfield Avenue on the east and Euclid Avenue on the west.
- AREA:** About 4 acres.
- REQUESTS:**
- a) **Case No. 685-S-5** – To consider a request to amend the Heart of the City Area Plan by changing the recommended land use on about 4 acres from residential low density and residential medium density to mixed use neighborhood.
  - b) **Case No. 14528-MPD** – To consider a request to rezone approximately 4 acres from District R-2.5 (Residential dash 2.5) to MPD (Master Planned District) and approval of a development plan which also serves as a preliminary plat, to allow for the mixed use development.
  - c) **SD 1458B – Final Plat, Horace Mann Village, Replat of Tract A** – To consider approval of a final plat in District MPD on approximately 1.2 acres generally located at the southwest corner of E. 38<sup>th</sup> Street and Garfield Avenue, creating one (1) residential lot.

Commissioner May recused.

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked on page 5 of the MPD statement that it be submitted prior to an Ordinance request.

Mr. Agbaji stated the MPD was required to be recorded at the County as part of the approval of the zoning within 30 days as a requirement of the Code.

Chairwoman Macy asked to hear from the applicant.

Mr. Matt Folsom representing Ivanhoe Neighborhood Council wanted to point out a couple of things; it had been a labor of love for 10-years or better. He would say what the development plan had going for it right now was momentum; the Aldi store in the immediate neighborhood was a neighbor, the importance of new residential development in Ivanhoe was critical to its long-term survival and they believed that even with the demolition of Horace Mann which was originally intended to repurposed of senior housing; they had been able to garner support of many including the City to redevelop the area. They had duplexes that were under way; and other things ready to go as soon as Mother Nature cooperated; they were anxious to get started.



Chairwoman Macy opened up discussion to the audience.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **DENY Case No. 685-S-5.**

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, Van Zandt and Macy  
VOTING NAY: None  
RECUSED: May  
ABSENT: None

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 14528-MPD SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff, prior to ordinance request showing:
  - a. Correct zoning designation on the face of the plan.
  - b. Details of E, F & G on sheet C001.
  - c. Density information sheet C001.
  - d. Identification and written dimensions of the width from centerline and total width of existing perimeter and interior streets, other rights-of-way, and all existing easements.
  - e. Identification and written dimensions of the total width of pavement of existing streets.
  - f. Existing medians within the public right-of-way shall be shown including turn lanes and all other pertinent information within the right-of-way to provide a complete understanding of existing conditions.
  - g. Show existing conditions of surrounding property within 300’.
  - h. Location of proposed buildings and structures and existing buildings and structures to remain, with written dimensions of setback from proposed street right-of-way and adjacent property lines, dimensions of building width and length, number of floors, gross floor area per floor, and total building area. Residential buildings shall identify, in addition, the number of dwelling units per floor and the total number of dwelling units.
  - i. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, outdoor storage and sales areas, and other paved areas.
  - j. Place additional comments recommended by the Long Range Planning and Preservation Division on the face of the plan.
  - k. Setback on the proposed phase III building be revised to show zero setback on E. 39th Street and 15 foot setbacks on Euclid Avenue and Garfield Avenue.

- l. Material for the retaining wall be shown on the face of the final plan
- m. Revised landscape plan that meets the requirement of Chapter 88-425 in its entirety.
- n. A lighting plan that meets the requirement of Chapter 88-430 in its entirety.
- o. A signage plan that meets the requirements of Chapter 88-445 in its entirety.

***Conditions 2. & 3. per City Planning & Development, Development Management Division  
(Olofu Agbaji, Olofu.Agbaji@kcmo.org)***

2. That the developer submit an MPD statement prior to ordinance request.
3. The developer shall submit a final MPD Development Plan for each project or phase of the development to the Director of City Planning and Development prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.

***Conditions 4. - 13. per City Planning & Development, Land Development Division (Brett Cox, brett.cox@kcmo.org)***

4. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
5. The developer must submit a Macro and detailed Micro storm drainage study, including stormwater management mitigation, roof drainage and surface drainage contribution reductions to the combined sewer where applicable from collection and connection of runoff, all in accordance with the strategic policies of the January 30, 2009 Overflow Control Plan, and Sections 7.3.13 Best Management Practice, and APWA Section 5600, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division. At a minimum retain the first 1.5 inches of runoff for the 100-year storm event and control the 100-year peak flow rate to the capacity of the downstream system of the combined sewer.
6. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed,

repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits. The developer shall extend the sidewalk to the plat limits along its frontage along Euclid Avenue and 38th Street.

7. The developer must integrate any relocated street lights into existing street light system impacted by the drive modifications as required by the Land Development Division for City frontages.
8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit and to connecting private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
11. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
12. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
13. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

***Condition 14. per Parks and Recreation Department ( Richard Allen, richard.allen@kcmo.org)***

14. That the developer dedicate 0.576 acres of parkland or contribute \$9,685.71 in lieu of parkland dedication for the 48 multifamily lots to be utilized at Ivanhoe Park in satisfaction of Chapter 88-405-17 of the Zoning and Development Code.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, Van Zandt and Macy  
VOTING NAY: None  
RECUSED: May

ABSENT: None

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE SD 1458B SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the plat be revised to show:
  - a. All corrections identified in the Land Development Division final plat checklist.
  - b. Noise contours on the face of the preliminary plat.
  - c. Label the Drainage Easement on Tract B for the detention area.
  - d. Revise the label for the Alley Right-of-Way to say "Dedicated by plat of Horace Mann Village"
  - e. Remove the KCPL Easement on Lot 6 that was released.

***Conditions 2. - 8. per City Planning & Development, Land Development Division (Brett Cox, [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org))***

2. The developer must submit a Macro and detailed Micro storm drainage study, including stormwater management mitigation, roof drainage and surface drainage contribution reductions to the combined sewer where applicable from collection and connection of runoff, all in accordance with the strategic policies of the January 30, 2009 Overflow Control Plan, and Sections 7.3.13 Best Management Practice, and APWA Section 5600, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division. At a minimum retain the first 1.5 inches of runoff for the 100-year storm event and control the 100-year peak flow rate to the capacity of the downstream system of the combined sewer.
3. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits. The developer shall extend the sidewalk to the plat limits along its

frontage along Euclid Avenue and 38th Street.

4. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
5. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
6. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
7. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
8. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval for the maintenance of private open space and enter into a covenant agreement for the maintenance of any stormwater detention area tracts, prior to recording the plat.

***Condition 9. per Parks and Recreation Department ( Richard Allen, [richard.allen@kcmo.org](mailto:richard.allen@kcmo.org))***

9. That the developer dedicate 0.396 acres of parkland or contribute \$6,658.94 in lieu of parkland dedication for the 33 multifamily lots to be utilized at Margaret Kemp Park in satisfaction of Chapter 88-405-17 of the Zoning and Development Code.

Motion carried 7-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Krum, Martin, Van Zandt and Macy
VOTING NAY:	None
RECUSED:	May
ABSENT:	None

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**RE:** Case No. 14514-SU

**APPLICANT:** James Sullivan  
Sullivan Palmer Architects  
8621 Johnson Dr  
Merriam, KS 66202

**OWNER:** Vietnam Buddhist Association  
5009 NE Chouteau Trfy  
Kansas City, MO 64119

**LOCATION:** Generally located at 5090 Chouteau Trafficway.

**REQUESTS:** To consider approval of a special use permit in District B1-1 (Neighborhood Business (dash 1)) and District R-6 (Residential 6) to allow for 7,300 square foot addition to an existing religious assembly use and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Jim Sullivan, they had been working with staff regarding the proposal and would have Don talk about the activities that would be held there.

The applicant had a very heavy accent; they had been looking at the project the last two to three years from their membership perspectives; they needed a space but what would be costly for them was the sidewalk along Chouteau and also along College Boulevard; the councilman entertained the idea to waive the requirement on the sidewalk along College. The bottom line was that right now they could create a donation budget and hopefully money would be donated.

Mr. Sullivan said they were trying to come up with compliment, with appearance vs. budget; it was really critical; the site was fairly heavily landscaped; he counted about 94 to 98 trees on the site; it was fairly heavily landscaped. They would like to continue to work with staff; one of the things brought up recently was two install a couple of large overhead doors on the north façade. It was a late comment, but it was on a plan.

Mr. Rexwinkle stated they weren't aware of that but they could work with them on that with that condition.

Chairwoman Macy asked about the sidewalks on College.

Mr. Rexwinkle stated it was a standard condition to ask for the sidewalks on street frontages where they didn't exist; there was condition #4 which came from the LDD that addressed those two requirements, sidewalk on Chouteau and College.

Chairwoman Macy asked which Councilman they met with; Councilman Wagner.

Ms. Binckley stated she did receive a letter from Councilman Wagner and he did state an interest in trying to help them with the sidewalk and actually said a 10-year payback time.

Chairwoman Macy asked in the letter did it speak about waiving the sidewalks on College.

Ms. Binckley read a part of the letter "Councilman Davis and I met with them to discuss their issues; and we are willing to forgo the sidewalk and trees along College; we want to do the sidewalks on Chouteau and expressed the willingness to construct the sidewalk requested there and assess the costs back to the applicant over a course of 10-years".

Chairwoman Macy opened up discussion to the audience.

No one appeared in opposition.

#### DISCUSSION:

Commissioner Archie asked about the sidewalks on North College; there were no sidewalks on either side of the street; were their residences or was it all landscaped buffer.

Mr. Rexwinkle stated there were residences along there; west from the site was just the commercial property.

Commissioner Archie said okay, going down the sidewalks do they pick up on one side where the residences were.

Mr. Rexwinkle answered yes.

Commissioner Archie stated that he did see that on College the sidewalks were not a great necessity.

Commissioner May added but if there was a sidewalk already leading up that, it looked like if one was needed to go along the side of the building it would be appropriate; it looked like the sidewalk would be on the outer edge of the fence and if people were looking to walk along there they would be able to walk on a sidewalk. Her question of the applicant was with the assistance from the Council she imagined they would be providing a funding that would have some payback over the 10-year period; were they in agreement with accepting that assistance to do sidewalks on both sides.

Applicant: For sure on Chouteau but they didn't see the need on College; it was a dead end and the best would be from the K-Mart commercial area and that was heavily wooded with a ravine and the sidewalk would go nowhere; they didn't see any need and no one walked up there. The only people were their two neighbors across from them.

Commissioner May asked Mr. Rexwinkle his response to that on College.

Mr. Rexwinkle responded that at that point, extending the sidewalk to the corner which was what the requirement would require did not provide a direct connection to anything; if the property were to come in for a plan approval at some point it maybe they would ask for a connection for it to continue and if they didn't get the sidewalk at that time, then they would have gap. Again, at this point in time, it really didn't provide a connection to anything.

Commissioner May asked if he was okay with removing it from the conditions.

Mr. Rexwinkle answered they try to get the connections where ever they could; their recommendation of course was to get the sidewalks.

Chairwoman Macy stated from the look of the pictures as they went around; it went into the back of K-Mart and then there was a big drop off with a ravine...it didn't go anywhere.

Commissioner Martin stated she knew the City had a plan to get the city more connected and be more walkable for citizens and she just saw it not happening if College didn't get sidewalks.

Chairwoman Macy said she understood, but from the looks of the photos, it goes nowhere and hard for her to see where this would lead.

Commissioner Archie stated that tools to support and had the City do work and they wanted to defer the actual work into sometime of tool to allow for it to be paid for in the future; how did that work or could that work when the two are combined together.

Mr. Cox stated he thought they would want more of a cooperative agreement than a deferral agreement; to defer them from constructing at this time to a future time. A cooperative agreement they would contribute funds and it would be worded in such a way as Councilman Wagner had indicated over a 10-year period for them to contribute those funds.

Commissioner Archie stated yes, whatever strategy would work; doing it right now, offered a great value. He did clearly see wanting walkability there; and as other developments took place they needed some way to accommodate.

Commissioner Baker-Hughes stated she would choose to see a sidewalk to nowhere even with new development would there be a requirement for new development to gap that 8 foot drop; otherwise it continued to be a sidewalk to nowhere.

Commissioner Krum added he would point out that the City's new found love for walkability clearly wasn't in place when that site was originally developed; it seemed they had a relatively lean religious organization that was now being asked to foot the bill for the City's new found love for walkability; he understood it was triggered by an expansion of the site, but it seemed to him an unfair burden to place on the organization.

Chairwoman Macy asked with a cooperative agreement, would they have to put money in now.

Mr. Cox responded it would depend on how it was worded; it could be at such time the City constructed the sidewalk they would contribute at that time; they would need to work with law department to come up with proper language, but whatever that time frame was; his understanding from Councilman Wagner they would only start paying when the City constructed the sidewalk.



Commissioner May stated she would be in favor, after hearing statements and conversations, to delete the Condition #4 about the sidewalk on College.

Commissioners Martin and Baker-Hughes and Gutierrez were also in favor.

Commissioner May moved and Commissioner Baker-Hughes seconded the motion to **APPROVE Case No. 14514-SU SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall) prior to building permit showing:
  - a. Show the parking spaces striped with dimensions in compliance with Chapter 52.
  - b. Clearly delineate existing from proposed landscaping.
  - c. Reference the Major Street Plan classification of N Chouteau Trfy (4-lane boulevard with 100 ft of right-of-way) on the face of the plan including existing and proposed right-of-way width.
  - d. Identify the specific location of the proposed wall-mounted light fixtures on the face of the lighting plan.

*The remaining conditions are recommended by Land Development Division of City Planning & Development. For questions, please contact Brett Cox at [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org) or 816-513-2509.*

- e. Show all required off-site public improvements and required easement, with labels.
  - f. Show existing and approximate proposed 2' contours across and adjacent to the project within 200 feet of the site.
  - g. Show and label existing conditions including width of all existing right-of ways, roadways, etc., and their means of conveyance (i.e. Plat, separate Ordinance, etc.) Show and label established roadway center lines and/or section lines and note where difference occurs. Also show ordinance that vacated N Gladstone Ave, north of NE 50th St.
  - h. Provide detailed documentation regarding storm water runoff and indicate conveyance to public storm sewer system.
2. The developer must submit a Macro/Micro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance for the entire development area, and that the developer secure permits to construct any improvements as required by the Land Development Division prior issuance of a Building Permit.
3. The developer must dedicate additional right of way by separate deed for N Choteau Trafficway as required by the adopted Major Street Plan and Chapter 88 so as to provide a minimum of 50 feet of right of way as measured from the centerline of N Choteau Trafficway.
4. The developer must construct a sidewalk along the property frontage of N Choteau Trafficway prior to a Temporary or Final Certificate of Occupancy, as required by the Land Development Division.
5. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development

Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.

6. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
7. The developer amend the special use permit plan prior to final approval of the plan after submitting a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages, as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.
8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

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**RE:** Case No. 14516-SU-1

**APPLICANT/OWNER:** Shannon Kimball  
Flavor Trade, LLC  
8100 Lee Blvd  
Leawood, KS 66206

**LOCATION:** Generally located at 3000 Troost.

**REQUEST:** To consider approval of a special use permit in District B4-5

(Heavy Business/Commercial (dash 5)) to allow for a limited manufacturing, production and industrial service use and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, advised the applicant or the owner was present at this time.

Chairwoman Macy stated they would put it on hold and go onto the next case.

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<b>RE:</b>	<b>Case No. 14525-MPD</b>
<b>APPLICANT/OWNER:</b>	Dennis Meier Synergy Services, Inc. 400 E 6 <sup>th</sup> St Parkville, MO 64152
<b>AGENT:</b>	Evan Fox Blackbird Design Studio 1828 Walnut St, Suite 101 Kansas City, MO 64108
<b>LOCATION:</b>	Generally located at the southwest corner of NE 46 <sup>th</sup> St and N Antioch Rd.
<b>REQUEST:</b>	To consider rezoning from District R-6 (Residential 6) to District MPD (Master Planned Development), and approval of a preliminary development plan for a children's residential center.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Dennis Meyer, Associate Executive Director of Synergy Services; for those of who may not be familiar with Synergy or what they did; they had been serving children/youth for roughly 45 years and they had a shelter for runaway youth population that serviced several hundred youths a year; they had a domestic violence shelter and part of that was a children's center; they turned away roughly one child for every one they took; last year they served about 150 children and turned away about 350. Five years ago he received a call from Judge Steven Pratt and he was a long time judge and resident in the Northland; he donated the property to them with the stipulation that they used it for their Mission. Their Board of Directors and people in the community were all too painfully familiar with needed emergency shelter and housing in particularly for children; the program served children from 0-12 primarily and probably 65% of the kids were 6 years and under. They felt it would serve the population much better if they were separated from the domestic violence shelter and they had the property to use it in the stipulation they used it for their Mission and they felt it would fit that Mission.

Chairwoman Macy opened up discussion to the audience.

Ms. Janis Southerland had a few questions; he said that the children would be 0-12 years of age and would be there 30-days approximately.

Mr. Meyer answered that the average length of stay was well under 30 but they could stay up to roughly 30 days.

Ms. Southerland asked how strict was the 12-years of age limit?

Mr. Meyer stated the license would permit for that, but since they had a shelter for youth 12 to 18 approximately 2 miles south of the location, all of that range of youth would be at that one.

Ms. Southerland what kind of security to be sure the children didn't get out and wander around.

Mr. Meyer stated that over 60% of the children were 6 and under, they had not had any issue at all of children wandering off; the staff ratio was roughly 1 to 4 children and often times with administrative and other people on board.

Ms. Southerland asked if there would be adults living in the dormitory area or staying there?

Mr. Meyer stated it was a 24/7 staff facility.

Ms. Southerland asked how much they were changing the existing structure of the Judge's house.

Mr. Meyer answered that the primary change to the house was removing the back that was currently called the mud room and they were improving the house by putting on a wrap-around porch; inside the house was primarily removing one wall which changed it into have an art space for the children; beyond that very little changes.

Mr. Southerland stated he had notice there hadn't been much maintaining of the house before and he didn't know why he should believe they were going to do it now.

Mr. Meyer answered that when they were donated the property it had a fence around the perimeter; they took that away, they probably had spent about \$100,000 more or less in the current facility putting in doors, windows, and siding, new furnace but he would be more than welcome to take a tour; and if he saw how Judge Pratt left it they had done a number of things to salvage it.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to  
**APPROVE Case No. 14525-MPD SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plane coordinate system) of the full plan set,

revised as noted below, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall) **PRIOR TO CITY COUNCIL CONSIDERATION:**

- a. Add note referencing the specific use requested as “Group Living, unspecified”.
  - b. Provide notes on the operational characteristics such as services offered onsite, population served, number of staff at peak and non-peak hours, number of children per room and total number of children in the center, and length of time children may stay at center.
  - c. Add landscape requirement tables to the landscape plan detailing the required landscaping including street trees (88-425-03), perimeter parking lot landscaping (88-425-05), interior parking lot landscaping (88-425-06), and screening of containers and mechanical equipment (88-425-08) to the landscape plan and specify the requirement, whether/how the requirement is met. If waivers from requirements are requested, state so on the plan.
  - d. Add lot and building standards of District R-6 (88-110-06) to the face of the site plan.
  - e. Add a note to the plan stating “any signage will comply with the requirements of 88-445 of the zoning and development code”.
2. *The following conditions are recommended by the Land Development Division of City Planning and Development. For questions, please contact Brett Cox at [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org) or 816-513-2509.*
  - a. Show more clearly the existing Right-of-Way and the Right-of-Way to be dedicated.
3. The developer must submit a Macro/Micro storm drainage study, including a BMP level of service analysis, to the Land Development Division for review and acceptance when the plat or building permit application plans are submitted, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
4. The developer must dedicate additional right of way for NE 46th Street and N Olive Street as required by Chapter 88 so as to provide a minimum of 25 feet of right of way as measured from the centerline of NE 46th Street and N Olive Street, along those areas being platted.
5. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
6. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
7. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.

8. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
9. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
10. The owner/developer shall verify adequate capacity of the existing sewer system as required by the Land Development Division for the amended use of the property and address any inadequacies therein prior to issuance of connection authorization and/or issuance of any temporary certificate of occupancy (TCO).
11. The developer shall verify vertical and horizontal sight distance for the NE 46th Street access and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
12. The developer must grant on City approved forms, BMP Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and  
Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** a) Case No. 686-S-2  
b) Case No. 14519-MPD

**APPLICANT:** Cabo Investments, LLC  
P.O. Box 533  
Belton, MO 64012

**APPLICANT'S  
REPRESENTATIVE:** Spencer R. Thomson  
Thomson Walker, LLC  
4700 Belleview, Suite 404  
Kansas City, MO 64112

**OWNER/S:** Ward B. Stuckey Trust, Trustee Ward B. Stuckey  
6600 Royal Court  
Parkville, MO 64152

**LOCATION:** Generally located on the east side of I-29 between NW 79<sup>th</sup> Street  
and NW 82nd Court

**AREA:** a) About 18 acres

b) About 51.86 acres

**REQUEST:**

**a) Case No. 686-S-2** -- Amending the Line Creek Valley Area Plan for about an 18 acre area generally located about 1,000 feet east of I-29 between NW 79<sup>th</sup> Street and NW 82nd Court by changing the recommended land use on the Future Land Use Map at this location from “Residential Medium Density” to “Residential Medium High” and further adding this category to the map.

**b) Case No. 14519-MPD** – About 51.86 acres generally located on the east side of I-29 between NW 79<sup>th</sup> Street and NW 82nd Court, to consider rezoning from District B 3-3 (Community Business (dash 3)), District R-7.5 (Residential 7.5) and District R-80 (Residential dash 80) to District MPD (Master Planned Development) and approval of a development plan that serves as a Preliminary Plat for proposed commercial and residential development.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report; and added an additional recommendation #24; this has to do with the traffic condition and that intersection Roadridge and the private drive where it connects to Roadridge Drive and the condition deals with a traffic signal which will be constructed at this location: “that the developer shall install a traffic signal at the intersection of N. Roadridge Road and the main development drive at such time that the building permits have been issued for 50% or more of the total commercial square footage with the MPD development and MoDOT determines that the signals are needed and warranted.”

Chairwoman Macy asked about MPDs; this was the only time they really got to see the project;

Mr. Eckardt stated unless the developer came in with a final plat and it went to the Development Review Committee and they said something, they had a position and the developer didn’t agree with that decision.

Chairwoman Macy stated it was hard for them to see it by what they were given there; she knew that was the way the Code was but was there something they could do this was 52 acres and for them to understand what that was going to look like and what the impacts could be. With the Port Authority they asked them to come back once the first building phase would occur.

Ms. Binckley added that was actually on two cases; there was another project that was actually getting ready to come back to them; it’s not going any further it’ll come to them for review.

Mr. Eckardt pointed out the conditions in the report that addressed “meeting design guidelines” and also the parking lot in breaking it up into smaller pods with landscaping per Code.

Chairwoman Macy asked about the one he had addressed “t” the berm; that was not on their property.

Mr. Eckardt answered it wasn’t; it was off site about 100 feet.

Chairwoman Macy then how did they give a condition on property they didn't even own.

Mr. Eckardt answered it was a request; not a condition and knew it would generate discussion.

Commissioner Krum asked if they could make it a requirement that the case come back before them for further review.

Ms. Binckley responded they could require a MPD final plan to come back.

Commissioner Krum asked how the City constructed a 4-lane arterial roadway that didn't connect. Why was not that roadway ever built through that property?

Mr. Eckardt answered he thought they were waiting for the developer, the owner of the ground, to make that connection.

Chairwoman Macy asked to hear from the applicant.

Mr. Spencer Thompson, Thompson & Walker Law Firm; he would like to address some of the conditions; looking at Condition #22, p. 12 of the staff report, each time they came forward with an actual development within this development, they had an actual building they wanted to build for example, Building E which they had a user they had to come back in and do a final MPD plan; they wanted them to understand what was before them today was a road map and not necessarily the final map. He also wanted the Commissioners to reconsider visiting the parking requirements, but to get back to the issue they would have other bites of this apple; he understood it, as long as they had met the conditions that had been outlined and they met the Code requirements that were inherent in the Code that would be the discussion as they came back for future plans.

The question brought up about the berm; with respect to the neighboring owner they were not willing to do that because of the concerns it would create liability issues; he had met the property owner in question, she was obviously not experienced in commercial development, she wanted something for her property, which he got, but he didn't personally feel it was their obligation and what concerned him on behalf of the development group it could create any number of liability issues, i.e. insurance and ongoing maintenance it did create a whole manner of issues they were not willing to undertake; alternatively, and in lieu of that, and he had explained it to the property owner's association they were willing to make a financial contribution to the Northlake Meadows Association, which he didn't think they had or could had in the report, but they had his word they would do it and they had earmarked \$2,500 in their budget to help the Association make whatever improvement they thought may be helpful for that preexisting condition. On that point, he would like to have Item "t", and as John admitted it was a request not a real requirement, he would ask that Item "t" to go away, but he was putting on record today their commitment they would make the contribution.

The Condition #1(p) on pg. 9; it was in reference to Code Sec. 88-420-14(e); that spoke of traffic for pedestrian safety which they didn't have an issue of course with creating a pedestrian atmosphere, that's a no brainer; what they did have issue was the requirement to break the



parking into a number of smaller of pods; they had looked at that provision in the Code and it was something that had to be understood from the perspective of the users. It was not something that was well received by the users; they wanted people to be able to freely park and get easily into their front door. The retailers and other businesses that would open had objected to that type of treatment of a parking lot; he was not saying they objected to each and every other landscaped area in the parking lot, but the requirement to plant one tree for every 5 spaces within the parking lot and they understood to do that they would have to create some type of landscape islands, looking at Items “u” and “v”, there was a landscaping plan for requirement for setbacks and buffering for all parking lots as well as a landscaping plan in Item “b” they would have to meet. He thought the staff had done an efficient job in stating they would have to provide landscaping. He would like for this Commission, and may not be in the case, but he would like them to think about Sec. 88-420-14(e) and how it really impacted the marketability or usability; an example of that was shoveling snow out of those parking lots, having tons of breaks, curbs that had been built up and little islands it made it really difficult; the snow plows would run into them and break them and they had to be constantly repaired; it was not a real practical way. He didn’t like a huge parking lot either, but he would hope they could work closely with staff and with the Commission to come up with a plan that was both practical and aesthetic. He would like them to remove the condition, but hopefully they could work together to come up with a compromise.

The only other items of real significance that he wanted to point out were Conditions #16 and #17, p. 11; that was really to do with a timing issue; those related to the offsite traffic improvements; he would make a self-serving statement, and the last one to the table was the one that was going to pay for the improvements, but he would like to say that they recently approved a Chic-Filet at Barry Rd and Roadridge and had a significant amount of traffic at the same intersection and they were required to put in a second, left turn lane; they would do it, but it wasn’t cheap as they knew to make those types of road improvements it was the cost of doing business and they would like to do on those conditions was to make clear that they didn’t have to have those improvements constructed at the time of plat, but they would have to have a permit secured at the time of platting. That was a timing need for them, it wasn’t practical for them to have all of those road improvements fully in; and he would propose to change the language so it read: “that the developer shall have secured a permit to construct”; and the significance of securing a permit was it would have to be bonded and there would be a bond on file with the City to ensure completion of that road. If they failed to conclude the construction of that improvement, the City would have the money to do that; it was tantamount to having an improvement to be guaranteed.

Mr. Eckardt stated he thought that was fine and he thought that was the intent; and he would look to Public Works, it was there condition.

Mr. Gnani Mahalingam, Public Works, answered that should be acceptable; (inaudible)

Mr. Brett Cox answered that probably his recommendation would be to have it completed prior to recording the plat if that was acceptable.

Mr. Steve Warner, Warner Associations, 1617 Main, North Kansas City; basically with that condition what they were trying to do, if it was winter time and they were trying to get

something closed or maybe the developer or the person who was coming in, wanted to get started on the building and they couldn't sell the lot, they couldn't have a building permit until after the improvement was completed it was just a matter of timing. They were not sure when all of it would come about and that was why they were requesting that change.

Mr. Thompson added and as an example and a real example, Lot E they might want to be under construction at the same time of their construction of the road improvement which would be to everybody's benefit; however if they were having to complete the road improvement before they could actually record the plat, they wouldn't be able to sell the ground and for the buyer to begin their construction. It was really just a timing issue. So they could have the language read to be a secured permitted bond.

Mr. Cox agreed and also Mr. Mahalingam.

Mr. Thompson continued with the gate behind the movie theater; they thought opening that made a lot of sense and it would create circulation opportunities; folks from the neighborhood would be able to access Barry Road without having to go out and go through the intersection, etc. It would create better traffic flow and that was why the City and the neighborhood agreed to opening of that gate at such time as when the property was developed. They thought that made sense and they supported the City's position in that regard and agreed upon by the City and the neighbors years ago.

There are a lot of conditions there and they were committed with working with staff and the plan had improved considerably than what originally submitted; they created a lot more buffer and that would be what they would hear from the neighbors.

As far as Commissioner Martin's question about the design of the building and materials, that would have to come back to the City and a final plan for the apartments; they were two-three story and they had a slope there that allowed them to create a 3 story that looked like a 2 story from the front and actually 3 on the back that faced the woods which would create a really nice park-like setting with the trees and the creek that were there. They would be market rate apartments and would be a very high quality product and they had venture on that aspect.

Chairwoman Macy wanted to talk about the Sec. 88-420-14(e); she wanted Mr. Eckardt to brief them on it was or how it related; because she knew in the Code they had changed the landscaping plan to require those buffers for parking lots which had changed.

Ms. Binckley read the Code out loud; "Surface parking lots containing more than 250 parking spaces must: (1) be visually segmented into smaller parking pods to reduce stormwater runoff related impacts; (2) provide safe, visible access for non-motorized traffic to and through the development site through such techniques as changes in paving surface materials, landscaped pedestrian walkways or pedestrian refuge islands and safety and directional lighting; and (3) use traffic calming techniques for pedestrian safety".

Chairwoman Macy said she really wanted to know how that correlation between that and the new landscaping standards with parking lots with the buffers was different from what they had

had in the past; Spencer was saying they were dual conditions with “u”, “b” and “p” and she thought he was asking if “u” and “b” were enough to satisfy what they were wanting to achieve.

Mr. Eckardt stated they talked about different things; for example, between the building and all of the vehicular use area there, there was a required separation that was required; in addition there was another vehicular use where that also had another required separation and required landscaping; he thought that all of those required landscaping provisions that were in Section 88 would be required for the developer, unless he said, “don’t make me do that” and you agreed and then they took that before City Council and that would become like a variance.

Chairwoman Macy said so “u” and “b” only apply to the vehicular use areas along the streets; it didn’t correspond to the back of the parking lots abutting Tract A.

Mr. Eckardt answered yes; and Spencer did mention there was a requirement for trees within the parking lot that was also another requirement; they had to put so many trees within parking lots based on the number of spaces that was there and they would be looking at that.

Mr. Thompson stated it’s the provision of the pods, the first provision that Diane read and he asked her to read it again because he would like to point something out.

Ms. Binckley did that “visually segmented into smaller parking pods”.

Mr. Thompson asked what exactly did that mean; he could have 5 civil engineers or 10 and they would all have a different interpretation of exactly what that meant. What it meant to him was they were going to force them to take the parking lot and make it into a series of smaller parking lots; and what he was telling them if that was the interpretation which was unclear that was going to be a real problem for them and the users; imagine you couldn’t a bunch of series of small parking lots and serve a building of that size for example.

Chairwoman Macy added there were multiple issues; one was stormwater; then from a pedestrian standpoint they didn’t want to encourage people to park right up to every building; they wanted to encourage a development that would allow people to feel comfortable to walk around that development and that was what the Commission was trying to do. To have a big parking lot without pedestrian friendly features, even though they had those nice landscaped berms to add amenities; that was what they looked at but it did sound like they would look at it again when they came back through; they didn’t have to address it today she didn’t think.

Mr. Eckardt stated he would be looking to the developer to give him some idea as to how they were going to satisfy that condition now before going to City Council; he didn’t look at it as being a final plan, but he would have it right now to be a requirement that they needed to show how they were going to divide those up; if there was an issue with it, he thought it should be discussed right now.

Commissioner Martin asked about the tenant they had for Building E.

Mr. Thompson answered they were in discussions with a tenant and members of their group, i.e. bowling, kids video games, restaurants, etc. it was a really nice family entertainment center of 50,000 sq. ft.

Commissioner Martin stated it looked like 2/3 of the project was commercial; could this area sustain that much commercial and did they have people lined up for the other buildings.

Mr. Thompson stated they were talking to a user on Pad Site A that had provided a letter of intent; a discussion was ongoing for Pad Site B and they were expecting a letter of intent of Pad Site C; he drafted an intent letter and sent it on Pad Site D yesterday; Pad Site E was under contract. This was not a lot of speculation and Pad Site F, was a Costco; if they came; if they didn't approach them, they would divide it up; and they have had interest shown as well; they were very excited about the prospects for the development given the interest.

Commissioner Krum asked who owned the property.

Mr. Thompson stated the property was owned by the Ward B. Stuckey Trust, a former circuit judge in Platte County; he inherited it from his family.

Commissioner Krum asked if his client then was actually going to develop all of the parcels.

Mr. Thompson stated yes, with the possible exception of the multi-family; there was probably a better than 50% chance that the multi-family would be sold to a strictly multi-family developer.

Chairwoman Macy opened up the discussion to the public.

Ms. Loretta Finn, 6323 NW 82<sup>nd</sup> Court and her property borders the back of where they were building; she had two questions; they had discussed with them at the neighborhood meeting about a berm or some buffer between the apartments and they really didn't get an answer; the second thing was they had a retention pond; they took care of the water from Barry Road Crossing and that was how they got the gated process. Where would water be going? They had to have access some way to get down to their lake; they had to spend \$40,000 but they had to get that equipment down to the lake and they took it in back of her house and dam; there had to be access otherwise there was no way for them to get the dredging equipment in and that was about 10 years; she lived there 20 years and they had dredged it twice. We knew it was going to be developed sooner or later and that street NW Barry Road Drive will go on through and we knew the gate would be opened when the street was put through; that street will connect where and the end and where will it come out. Those are our two big concerns the buffer between our homes and getting major equipment someday down to the lake.

Mr. Thompson stated they were downstream our site flows south/southeast and they obviously have onsite detention and what would flow into the stream as well; their site would not add stormwater because they were downstream. They were willing to provide as practical access through the future development for them to get equipment back there if there was no other way for them to do that they understood they had to service that pond and dredge it on occasion and if

you would that was a minimal impact; he and Steve would be more than happy to work with the Association to come up with a solution to give them access.

Ms. Finn asked about the support for additional businesses; there have been business at Barry Crossing that had gone in and out and there were empty buildings, empty site pads along that one site; she had to question it.

Mr. Thompson answered that she had to understand that a lot of that was driven by the recession that they were still in some ways recovering with the addition of Chic-Filet where the old Boston Market was; every time they had a vacancy it seemed to fill.

Ms. Elaine Bosley, 8233 NW Barry Wood Court, Vice-President of the HOA; they were mainly concerned what was happening on 82<sup>nd</sup> Street which was the northeast area; they would have to require at least a 20 foot easement because of the size of the trucks hauling of 1000s of tons of stone and rebuilt the spillway from the back of the dam plus redo the dam plus a berm to protect the homeowners; just want to be sure they were putting in enough space there.

Mr. Thompson and Ms. Bosley discussing away from the mikes discussing displayed plan (inaudible). We would also be committed in any final development plan to be sure and discuss it with the neighborhoods; we aren't trying to pull any bait and switch.

Ms. Margaret (inaudible), 6309 NW 79<sup>th</sup> Street; they were concerned with the traffic on NW 79<sup>th</sup> Street; cars speed; concerns were on configuration of street layouts, they were dangerous; especially for little kids riding bicycles and tricycles, etc. snow removals, etc.

Ms. Laura Schmidt, 6312 NW 79<sup>th</sup> Street; wanted to thank the developer because he had worked well with the neighbors and making changes to his plans. She did have to take exception to the superlatives when it came to a Costco; she for one am not one of "everyone"; she was not looking forward to having a Costco anywhere near her house. The other point was having a large scale building of 150,000 sq. ft. if you go anywhere on Barry Road you would find empty buildings and she worried about if it had be sold or rented out how difficult it would be because of its size. Everything was on NW 79<sup>th</sup> Street and the speed limit was 35 mph; it would be great but it wasn't the law abiding citizens that race down NW 79<sup>th</sup> Street.

## DISCUSSION

Commissioner Archie wanted to discuss "t"; it was an offsite, he would delete "t".

Chairwoman Macy agreed.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 686-S-2 WITHOUT CONDITIONS.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt, and  
Macy  
VOTING NAY: None  
ABSENT: None

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE**  
**Case No. 14519-MPD SUBJECT TO THE FOLLOWING CONDITIONS:**

*Condition 1 per Land Development Division (Brett Cox, ([brett.cox@kcmo.org](mailto:brett.cox@kcmo.org)) and John  
Eckardt ([john.eckardt@kcmo.org](mailto:john.eckardt@kcmo.org))*

6. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall), prior to ordinance request showing:
  - a. Label the Stream Buffer Plan as "Preliminary"
  - b. Show and label the Streamside Zone, Middle Zone, and Outer Zone. Also include a breakdown for each are in the Data table.
  - c. Include mitigation for stormwater detention and utility work within the Streamside, Middle and Outer Zones.
  - d. Label proposed Stream Buffer Easement or Tract.
  - e. Show centerline data for the north-south public street (i.e. R/W width, radius of curves, tangent lengths, etc.)
  - f. Show alignment for proposed public storm and sanitary sewers to serve all lots, and label as public.
  - g. Revise the centerline radius of NW Barrybrooke Dr to a minimum 300 ft radius per APWA 5200 standards for Residential Collector.
  - h. Show the delineated Stream Buffer setback, based on Riparian Vegetation and/or Slopes, then indicate the amount of Stream Buffer area encroachment.
  - i. Include the area for the sanitary sewer extension, including mitigation for the streamside and middle zone disturbance.
  - j. Show alignment for proposed public storm to serve all lots.
  - k. Re-label the sanitary sewer on Lot 2 as private.
  - l. Add a set/sheet of Design Guidelines as required by City Development Department staff.
  - m. Add a Signage Plan as required by Section 88-445-10-A.
  - n. Add a Lighting Plan as required by Section 88-430-06-A.
  - o. Include parking lot dimensioning and confirm that the parking will meet or exceed Chapter 52 standards.
  - p. Revise the parking lots for Lots E and F to conform to the design guidelines of Section 88-420-14-E., by breaking the parking areas up into smaller pods and adding traffic calming techniques for pedestrian safety as required by City Development Department staff.
  - q. Sheet 1, State that the proposed Zoning is MPD.

- r. Sheet 1, include the Statement of Intent as required by Section 88-280-03 on the face of the plan.
- s. Move the building proposed for Pad F to the west at least 50 feet and include in the guidelines wording as to how the elevation of the east facing wall will be enhanced to reduce the effect of the massive wall so close to the public road and residential to the east as required by City Development Department staff.
- t. ~~Add a berm and landscaping off site to the south on Lot 1, North Lake Meadows as required by City Development Department staff to reduce the impact of vehicles traveling north on North Montclair Avenue at NW 79<sup>th</sup> Street.~~
- u. Landscaping Plan, add required setbacks and landscape buffering for all parking lots and vehicular use areas as required by Section 88-425.
- v. Landscaping Plan, Increase the amount and variations of landscaping on the north side of the north detention area of Lot 2 and the south side of the south detention area of Lot 2 as required by City Development Department staff to buffer these areas from the adjacent residential uses.
- w. Landscaping Plan, Change the Ornamental trees from 1.5 in caliper to 2 in caliper.
- x. Landscaping Plan, Seal the Landscaping Plan as required by Section 88-425-12.
- y. Landscaping Plan, Add park benches, gazebo, children's play area or other pathway improvements along the parkland path requested in the Lot 2 open space.
- z. Pedestrian Linkage Plan, Revise the plan to provide for linkages as required by City Development Department staff, and at a minimum; identify the trail as 7ft wide with either concrete or asphalt, identify all walkway widths, include a sidewalk on the east side of NW Roanridge Road, link to the commercial to the north, provide connections from business to business and business to street and include a key.
- aa. Change the required parking amount on the first page for the residential from 369 spaces to 246 spaces.
- bb. Identify the line that separates both State and City control and maintenance for NW Roadridge Road.
- cc. State the number of apartment units proposed.
- dd. Dimension all proposed driveway widths.
- ee. **Show an access easement between the east side of the northernmost parking lot on the residential portion and the Lake access Barrybrooke on the Lake.**

*Conditions 2 through 15 per Land Development Division (Brett Cox, (brett.cox@kcmo.org))*

- 2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
- 3. The developer must submit a Macro "Overall" storm drainage study for the entire development to the Land Development Division for review and acceptance at the time the first plat is submitted, with a Micro "detailed" storm drainage study, including a BMP level of service analysis, to be submitted for each phase at the time of final platting, and that the developer secure permits to construct any improvements as required by the Land Development Division prior to recording the plat.

4. That the east half of NW Roanridge Road shall be improved to Collector standards as required by the Land Development Division, including sidewalks, street lights, etc., as may be required to complete the east half section to current standards including relocating any utilities as may be necessary, obtaining required permit for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
5. The developer must design and construct all interior public streets to City Standards, as required by the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks.
6. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
7. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
8. The developer must subordinate to the City all private interest in the area of any right-of-way dedication, in accordance with Chapter 88 and as required by the Land Development Division, and that the owner/developer shall be responsible for all costs associated with subordination activities now and in the future.
9. After the City Plan Commission enters its disposition for the development plan, the developer shall not enter into any agreement that would encumber or otherwise have any impact on the proposed right-of-way dedications for the planned project without the prior written consent of the Land Development Division.
10. The owner/developer must submit plans for grading, siltation, and erosion control for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities as required by the Land Development Division.
11. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
12. That a final stream buffer plan be submitted and approved prior to issuance of any building permits and prior to removal of any mature riparian species within the buffer zones due to building activities on the site, in accordance with the Section 88-415 requirements.



13. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract (or stream buffer easement), as required by the Land Development Division.
14. The developer must grant on City approved forms, BMP and STREAM BUFFER Easements to the City, as required by Chapter 88 and Land Development Division, prior to issuance of any building permits or bmp permits, whichever occurs first.
15. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or storm water detention area tracts, prior to recording the plat.

*Conditions 16 –18 per Public Works Department ([Wei.Sun@kcmo.org](mailto:Wei.Sun@kcmo.org))*

16. That the developer construct a second northbound left turn lane at the NW Roanridge Road and Barry Road intersection as required by the Department of Public Works **and that it be permitted** at the time of the first final plat.
17. That the developer construct a northbound right turn lane at the intersection of NW Barrybrooke Drive/Ambassador and NW Barry Road **and that it be permitted** at the time of the first final plat.
18. That the developer obtain a permit from MODOT for work in MODOT right-of-way.

*Condition 19 per Water Department ([Heather.Massey@kcmo.org](mailto:Heather.Massey@kcmo.org))*

19. That the developer relocate, extend and abandon water mains as required by the Water Services Department.

*Condition 20 per Fire Marshal's Office ([John.Hastings@kcmo.org](mailto:John.Hastings@kcmo.org))*

20. That the developer provide fire protection as required by the Fire Marshal's Office, including the provision for siren activated gates.

*Condition 21 per Parks and Recreation Department ([Richard.allen@kcmo.org](mailto:Richard.allen@kcmo.org))*

21. That the developer contribute parkland dedication money at a rate of \$16,815.50 per acre in satisfaction of Section 88-405-17 of the Zoning and Development Code and as anticipated to be as follows:

$$\begin{aligned} & * 246 \text{ MF units} \times 2 \text{ persons/unit} \times 0.006 \text{ acres/person} = 2.95 \text{ acres} \\ & * 2.95 \text{ acres} - 1.47 \text{ acres} = 1.48 \text{ acres} \times \$16,815.50 = \$24,886.94 \end{aligned}$$

*Conditions 22 and 23 per City Development Department ([John.eckardt@kcmo.org](mailto:John.eckardt@kcmo.org))*

22. The developer shall submit a final MPD Development Plan for each project or phase of the development to the City Plan Commission prior to issuance of a building permit. The final MPD Development Plan shall meet the development standards of Chapter 88-400 including; plan information; property uses; setback distances; lighting (with a photometric study); landscaping, including information on (i) species, planting size, and spacing of all trees and shrubbery; (ii) buildings and dumpster elevation drawings; (iii) fencing, if utilized, identifying material, color, height, setback and type, with an elevation drawing of a section; streetscaping; signage (including elevations); and architectural characteristics.
23. Within 30 days of approval of a preliminary development plan by the city council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the city plan commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the city planning and development department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan.
- 24. That the developer shall install a traffic signal at the intersection of N. Roanridge Road and the main development drive at such time that building permits have been issued for 50% or more of the total commercial square footage within the MPD plan and that MODOT determines that the signals are needed and warranted.**

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 14516-SU-1

**APPLICANT/OWNER:** Shannon Kimball  
Flavor Trade, LLC  
8100 Lee Blvd  
Leawood, KS 66206

**LOCATION:** Generally located at 3000 Troost.

**REQUEST:** To consider approval of a special use permit in District B4-5 (Heavy Business/Commercial (dash 5)) to allow for a limited manufacturing, production and industrial service use and any necessary variances.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Shannon Kimball, owner of Flavor Trade, LLC; agreed with all the conditions as presented.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 14516-SU-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That one (1) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall) prior to building permit showing:
2. The driveway and drive aisle shifted northward to provide adequate depth for the parking spaces in compliance with the standards of Chapter 52.
3. If necessary, the van accessible space shifted westward and one of the two standard spaces relocated to a different location onsite in compliance with the standards of Chapter 52.
4. A note on the face of the plan specifying that flags flown on the pole shall not bear a commercial message.
5. A note stating the special use permit is for a limited manufacturing, production, and industrial services use.
6. A note stating that administrative approval of a minor amendment is required prior to the installation of new storefront windows.
7. Screening around the trash dumpster consisting of a fence and landscaping in compliance with 88-425-08-A.
8. The dimension of the clear space between the north side of the building and the parking spaces.
9. *The remaining conditions are recommended by the Land Development Division of City Planning & Development. Please contact Brett Cox at [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org) or 816-513-2509 with questions.*
10. Show public infrastructure adjacent to this development, particularly storm and sanitary sewers.
11. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or

reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt, and  
Macy  
VOTING NAY: None  
ABSENT: None

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**OTHER MATTERS:**

Approval of the minutes of the November 18, 2014 meeting date.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE** the minutes of the November 18, 2014 meeting date.

Motion carried 8-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, Van Zandt and  
Macy  
VOTING NAY: None  
ABSENT: None

Discussion Item: CPC Administrative Business - Attendance

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There being no further business, Chairwoman Macy adjourned the meeting at 1:08 p.m.

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Respectfully submitted,

Diane M. Binckley  
Assistant Secretary

APPROVED:

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Babette Macy, Chairwoman